

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

WASHINGTON HARBOUR, SUITE 400

3050 K STREET, NW

WASHINGTON, DC 20007

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

FACSIMILE

(202) 342-8451

www.kelleydrye.com

(202) 342-8400

BRUSSELS, BELGIUM

JOHN J. HEITMANN

DIRECT LINE: (202) 342-8544

EMAIL: jheitmann@kelleydrye.com

AFFILIATE OFFICE

MUMBAI, INDIA

January 19, 2017

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Karma Mobility, Inc. Petition for Streamlined Designation as a Lifeline Broadband Provider Eligible Telecommunications Carrier; Oral Ex Parte Presentation; WC Docket No. 09-197

Dear Ms. Dortch:

On January 17, 2017, John Heitmann of Kelley Drye & Warren LLP spoke via telephone on behalf of Karma Mobility, Inc. (Karma) with Claude Aiken, Legal Advisor to Commissioner Clyburn regarding Karma's pending petition for designation as a Lifeline Broadband Provider (LBP) pursuant to the Lifeline Modernization Order.¹

During this discussion, I contested the Wireline Competition Bureau's (Bureau's) removal of Karma's petition from streamlined processing. Specifically, I explained that the newly minted LBP designation process already was in danger of becoming a replica of the dysfunctional federal ETC designation and Lifeline-only compliance plan approval processes, through which the Commission has thwarted competitive entry not only in those states where it designates wireless service providers as ETCs, but across the country.² By standardizing

¹ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 3969, para. 22 (2016) (Lifeline Modernization Order).

² With one exception applicable to two ETCs, each serving a single state, the Bureau last granted approval of a petition for Lifeline-only designation as an eligible telecommunications carrier in August 2012. See *Telecommunications Carriers Eligible for Universal Support, et al.*, WC Docket No. 09-197, Order (rel. August 16, 2012); see also *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket No. 09-197, Order (rel. Nov. 26, 2014). With limited exceptions for wireline designation and an amended compliance plan, the Bureau last approved a compliance plan in December 2012. *Wireline Competition Bureau Approves The Compliance Plans of Airvoice Wireless, Amerimex Communications, Blue Jay Wireless, Millennium 2000, Nexus Communications, Platinumtel Communications, Sage*

Marlene Dortch
January 19, 2017
Page Two

application requirements and review periods, the LBP designation process was designed to streamline competitive entry, not thwart it.

I also contested the Bureau's claim that "[i]n determining whether the Bureau should grant a petition for LBP designation, the Bureau should consider the unique 'advantages and disadvantages of the applicant's service offerings.'" ³ I explained that with the Commission's broadband minimum service standards in place, it should approve applicants on a technology- and service-neutral basis so that consumers can determine for themselves—based on their individual circumstances—the advantages and disadvantages of particular service offerings.

Despite the foregoing concerns, I nevertheless highlighted Karma Mobility's track record of providing quality broadband service to non-Lifeline subscribers throughout the United States. I explained that Karma's proposed Lifeline-supported mobile broadband service will provide consumers with a unique alternative for obtaining quality, reliable and convenient broadband service, when and where they need it, and will introduce new competition to the Lifeline market. Karma's broadband offering will provide 500 MB of 3G or higher speed data each month at no cost to the consumer and the ability to "top-up" data in affordable increments. Subscribers will also have the option to purchase a Wi-Fi enabled and hotspot-cable device (called Karma Go) that enables them to earn additional data by sharing their device with friends and family and in public places. Through this "sharing economy" service model, Karma offers an innovative way to promote broadband adoption and usage in low-income communities. These services will provide eligible subscribers with fast and convenient Internet access for activities ranging from researching and applying for jobs to completing homework assignments.

I concluded by requesting support for approving Karma's LBP designation so that consumers in states like New York, Florida and elsewhere could gain access to Karma's unique and innovative Lifeline service offerings.

Telecom, Telrite and Telscape Communications, WC Docket Nos. 09-197, 11-42, Public Notice (rel. Dec. 26, 2012).

³ See Lifeline Modernization Order ¶ 22.

KELLEY DRYE & WARREN LLP

Marlene Dortch
January 19, 2017
Page Three

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



John J. Heitmann
Kelley Drye & Warren LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
(202) 342-8400

Counsel to Karma Mobility, Inc.

cc: Claude Aiken